REMARKS

By this amendment, claims 1, 8, 10, 14 and 16 have been amended. The amendment to claim 8 has been made primarily for clarification purposes. Claims 1-6 and 8-16 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is requested.

Rejection under 35 U.S.C. §103

Claim 1 now more clearly articulates that said storage related information pro-actively signals (i.e., *categorizes*) each said application-module alternatively as (i) *mandatory* for recording, (ii) *optional* for recording or (iii) *forbidden* for recording at the receiver. The *mandatory application-modules* contain files that are *critical for running* the corresponding *interactive application* from storage. The *optional application-modules* comprise *non-mandatory application-modules* which contain files that (a) *offer* the corresponding interactive application *extra features and* (b) *contain configuration information* of the corresponding interactive application that *always* must be *downloaded* from a *live broadcast* (See, for example, the present specification at least on page 2, lines 23-29; page 3, line 6-7; page 4, lines 25-26; page 7, lines 4-5; and page 10, lines 3-4). In addition, with respect to optional application-modules (i.e., non-mandatory application-modules), it is noted that "not all the modules may contain files that are necessary to record, e.g., some modules may contain files, such as configuration files, that must always be loaded from the live broadcast stream in order to have the application up-to-date when the application is run." (See, for example, the present specification at least on page 2, lines 1-4). The method of claim 1 advantageously signals the storage related information in a broadcast stream, as specifically identified and claimed, wherein a recording system receiving the broadcast can use this storage related information to decide if application modules are to be recorded or discarded. Storage space on recordable media for interactive television is

used more efficiently and recording of the modules is generally faster. (See, for example, the present specification on page 10, lines 1-14).

Claims 1, 4-6 and 9-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over OPENTV, WO 01/33852 ("**OPENTV**") in view of Goodman et al., US 6,427,238 ("**Goodman**"). Applicant respectfully traverses this rejection for at least the following reasons. With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that the **OPENTV** and **Goodman** references are defective in establishing a prima facie case of obviousness.

Independent claim 1, as now presented, more clearly recites, inter alia, "… wherein said storage related information *categorizes* each said application-module alternatively as (i) *mandatory* for recording, (ii) *optional* for recording or (iii) *forbidden* for recording at the receiver, wherein the *mandatory application-modules* contain files that are *critical* for *running* the corresponding *interactive application* from storage, and wherein the *optional application-modules* comprise *non-mandatory application-modules* which contain files that (a) *offer* the corresponding interactive application *extra features* and (b) *contain configuration information* of the corresponding interactive application that *always* must be *downloaded* from a *live broadcast*" (emphasis added). Support for claim 1 (as well as for claims 10, 14 and 16) can be found in the specification at least on page 2, lines 23-29; page 3, line 6-7; page 4, lines 25-26; page 7, lines 4-5; and page 10, lines 3-4.

Applicant submits that neither **OPENTV** nor **Goodman** discloses at least the aforementioned feature of independent claim 1. In particular, it is submitted that the primary citation to **OPENTV** does not disclose the claimed "optional for recording" of an application-module, "wherein the *optional application-modules* comprise *non-mandatory*

application-modules which contain files that (a) *offer* the corresponding interactive application *extra features* <u>and</u> (b) *contain configuration information* of the corresponding interactive application that *always* must be *downloaded* from a *live broadcast.*" Neither does the secondary citation to **Goodman** remedy the conceded deficiency in the primary citation to **OPENTV**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **OPENTV** and **Goodman** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The primary citation to **OPENTV** relates to a method for recording pushed interactive data streams of a program, wherein the pushed data stream is broadcast to a receiving station. The data stream includes one or more data objects and can include live data objects intended for immediate consumption. When the individual data objects are received by the receiving station, the individual data objects are extracted from the data stream. The data objects, accompanying object properties and a file table are then stored on a storage device. Live data objects are not stored. (See OPENTV, abstract).

The Office Action contends that **OPENTV** discloses storage related information that comprises indicating whether each application module is alternatively ... "optional for recording **[programs can be stored at the option of the user, p.6, 38, p.8, 26-27; modules categorized as within a validity range are available, p. 8, 5-7]**." (<u>Office Action</u>, page 5). However, it is respectfully submitted that OPENTV does not disclose the specific <u>storage</u> <u>related</u> <u>information</u> as now more clearly recited in claim 1 that *categorizes* each said application-module ... as (ii) *optional* for recording ... wherein the *optional application-modules* comprise <u>*non-mandatory application-modules*</u> which contain files that (a) *offer* the corresponding interactive application *extra features* <u>and</u> (b) *contain configuration information* of the corresponding interactive application that *always* must be *downloaded* from a *live broadcast*". It is further submitted that the teaching of **OPENTV** which states that "programs can be stored at the option of the

user" and that "modules categorized as within a validity range are available" cannot reasonably be interpreted to disclose *categorizing* an *application-module* as "*optional for recording*" or more particularly, as discussed with respect to the above-indicated clarified language of claim 1.

In addition, the Office Action concedes that **OPENTV** does not expressly describe the different categories specifically as recited [*in claim 1*] (clarification added) (Office Action, page 5). Furthermore, the Office Action contends that "**Goodman** teaches transmitting interactive application modules wherein mandatory modules contain files that are critical for running a corresponding application from storage **[col. 6, 7-18; col. 10, 30-34]**, and wherein optional modules contain files that offer a corresponding application extra features **[col. 6, 36-42]**." (Office Action, page 5). Nonetheless, the Office Action rejects independent claim 1, contending that the secondary citation to **Goodman** provides this necessary disclosure. (Office Action, page 5). As discussed above, claim 1 has been amended for clarification. In view thereof and as will be explained further herein below, this contention that **Goodman** provides necessary disclosure is respectfully traversed.

Goodman relates to a system and method implemented in an interactive television system for managing modules of interactive television applications. (see Goodman abstract). In addition, the **Goodman** reference further discloses "advantages of modularity may include conserving the limited amount of memory in a set-top box which can be used for interactive applications, reducing time required to download applications from a broadcast station to a set-top box and reducing the amount of application code which must be written by allowing modules to be shared." (see Goodman abstract). Furthermore, **Goodman** discloses in "one embodiment, an application includes at least one module which is downloaded and executed automatically. *Other modules* containing *data* or *additional code may not be needed*

immediately, *so* they may be *downloaded* *after* *execution* of the application *begins*. The downloading of these modules [*i.e., the other modules containing data or additional code*] may be subject to timing constraints, however, so the interactive television system is configured to take these constraints into account and *deliver* the [*other*] *modules* in a timely manner." (*emphasis added*) (see Goodman, col. 6, 36-42). As disclosed in **Goodman**, the "other modules" containing data or *additional* *code* are delayed, that is, being downloaded *after* *execution* of the application begins. Accordingly, in view of **Goodman**'s use of other modules containing data or additional code as discussed above and in **Goodman**, it is respectfully submitted that **Goodman**'s usage of such other modules containing data or additional code cannot reasonably be understood to read on storage related information that "... *categorizes* each said application-module ... as (ii) *optional* for recording ... wherein the *optional application-modules* comprise *non-mandatory application modules* which contain files that (a) *offer* the corresponding interactive application *extra features* and (b) *contain configuration information* of the corresponding interactive application that *always* must be *downloaded* from a *live broadcast*" as is recited in claim 1. Thus, **Goodman** does not provide a disclosure that teaches the aforementioned feature of independent claim 1, nor does **Goodman** remedy the aforementioned, conceded deficiency in the primary citation to **OPENTV**.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested. Claims 4-6 and 9 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 10, 14 and 16 have each been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claims 10, 14 and 16 are believed allowable and an

early formal notice thereof is requested. Claims 11-13 depend from and further limit independent claim 10 and therefore are allowable as well. Claim 15 depends from and further limits independent claim 14 and therefore is allowable as well. The 35 U.S.C. § 103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 2, 3 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over **OPENTV** and **Goodman** in view of Metz et al., U.S. Patent 5,768,539 ("**Metz**"). Applicant respectfully traverses this rejection for at least the following reason. Claims 2, 3 and 8 depend from and further limit allowable independent claim 1 and therefore are allowable as well. (Note that as presented herein, claim 8 depends from claim 1 via claim 9.) The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 1, 10, 14 and 16 are in condition for allowance. Claims 2-6 and 8-9 depend from and further limit claim 1 and therefore are allowable as well. Claims 11-13 depend from and further limit claim 10 and

Appl. No. 10/541,051
Response to Office Action of February 1, 2011

PATENT
Docket No. NL021482US1
Customer No. 24737

therefore are allowable as well. Claim 15 depends from, further limits claim 14, and is therefore allowable as well.

The matters identified in the Office Action of February 1, 2011 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-6 and 8-16 is requested.

Respectfully submitted,

By: /Michael J. Balconi-Lamica/

Michael J. Balconi-Lamica
Registration No. 34,291
for Edward Goodman, Reg. No. 28,613

Dated:_____April 27, 2011_____
Philips Intellectual Property & Standards
345 Scarborough Road
Briarcliff Manor, New York 10510
Telephone: 914-333-9611
Facsimile: 914-332-0615
File: NL021482US1

a-32658.498